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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/500,897	02/09/2000	Shunpei Yamazaki	SEL 161	3195

7590

12/23/2003

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EXAMINER
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MISLEH, JUSTIN P

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 12/23/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/500,897

Applicant(s)

YAMAZAKI ET AL.

Examiner

Justin P Misleh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 - 16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 2/9/00 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1 – 16 have been considered but are moot in view of the new ground(s) of rejection.
2. The Examiner accepts the amendments to the title, specification, and drawings filed on 28 November 2003.

### ***Drawings***

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 4017 (page 13, line 2 of the original specification). Reference sign 4017 is shown in Figure 12B and not shown in Figure 12A, however, it is first described in correspondence with Figure 12A. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 1 – 4 and 9 – 12** are rejected under 35 U.S.C. 102(e) as being anticipated by Takahara et al. (US 6 628 355 B1).

For the following rejections, please refer to figures 218 and 219 and columns 30 (lines 59 – 67), 31 (1 – 7), 58 (lines 27 – 33), 100 (lines 36 – 50), 122 (lines 29 – 67), 123 (1 – 8), 128 (66 and 67), 129 (lines 1 – 4, 18, and 19), and 130 (21 – 27).

6. For **claims 1 and 9**, Takahara et al. disclose, a view finder (figures 18 and 19) comprising: an LCD display panel (22); and an eyepiece (2185) for viewing an image of an object displayed on said LCD display panel (22) and projecting it upon the eye of a user.

Takahara et al. disclose, as stated in the above citations, that an organic EL panel may replace the LCD display panel (22) and that a Fresnel lens, to magnify the image of the object displayed on the display panel, may replace the eyepiece (2185).

7. As for **claims 2 and 10**, it is inherent to organic EL panels to be comprised of plural thin film transistors that are formed over a substrate.

8. As for **claims 3 and 11**, it is inherent to organic EL panels to be comprised of a pixel portion and a driver circuit that are formed over a substrate.

9. As for **claims 4 and 12**, Takahara et al. disclose, as stated in column 123 (lines 32 – 34), very broadly that the view finder is for a video camera (not shown). Since an LCD display panel and an organic EL display panel are display panels that accept digital image data, it is inherent to Takahara et al. that the view finder is for a video camera that transforms analog object image information in digital object image data, and hence the view finder is incorporated into a camera selected from the group consisting of a video camera and a digital camera.

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. **Claims 5 – 8 and 13 – 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahara et al (US 6 628 355 B1), herein referred to as T1, in view of Takahara et al (US 5 517 278), herein referred to T2.

For the following rejections, in T1, please refer to figures 218 and 219 and columns 30 (lines 59 – 67), 31 (1 – 7), 58 (lines 27 – 33), 100 (lines 36 – 50), 122 (lines 29 – 67), 123 (1 – 8), 128 (66 and 67), 129 (lines 1 – 4, 18, and 19), and 130 (21 – 27).

12. For **claims 5 and 13**, T1 disclose, a view finder (figures 18 and 19) comprising: an LCD display panel (22); and an eyepiece (2185) for viewing an image of an object displayed on said LCD display panel (22) and projecting it upon the eye of a user.

T1 disclose, as stated in the above citations, that an organic EL panel may replace the LCD display panel (22) and that a Fresnel lens, to magnify the image of the object displayed on the display panel, may replace the eyepiece (2185).

However, T1 do not disclose a plurality of optical elements. Furthermore, T2 disclose, as shown in figures 1 and 2 and as stated in column 5 (lines 9 and 10), a view finder comprised of a plurality of optical elements (25 and 26). As stated in columns 2 (lines 18 – 20) and 6 (lines 35 – 37), at the time the invention was made, one with ordinary skill in the art would have been motivated to include a plurality of optical elements (25 and 26), as taught by T2, in the view

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finder, of T1, as a means to magnify the object displayed by the display panel so as to be view on an enlarged scale. Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to include a plurality of optical elements, as taught by T2, in the view finder, of T1.

13. As for **claims 6 and 14**, it is inherent to organic EL panels to be comprised of plural thin film transistors that are formed over a substrate.

14. As for **claims 7 and 15**, it is inherent to organic EL panels to be comprised of a pixel portion and a driver circuit that are formed over a substrate.

15. As for **claims 8 and 16**, T1 disclose, as stated in column 123 (lines 32 – 34), very broadly that the view finder is for a video camera (not shown). Since an LCD display panel and an organic EL display panel are display panels that accept digital image data, it is inherent to T1 that the view finder is for a video camera that transforms analog object image information in digital object image data, and hence the view finder is incorporated into a camera selected from the group consisting of a video camera and a digital camera.

### ***Conclusion***

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Examiner has cited a variety of prior art of which, include, *inter alia*, a view finder comprised of an EL display panel and a plurality of optical elements. The Applicant is urged to consider all of the prior art made of record.

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Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin P Misleh whose telephone number is 703.305.8090. The examiner can normally be reached on Monday - Thursday from 7:30 am to 5:30 pm and on alternating Fridays from 7:30 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy R Garber can be reached on 703.305.4929. The fax phone number for the organization where this application or proceeding is assigned is 703.872.9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is 703.306.0377.

JPM

December 12, 2003  
  
WENDY R. GARBER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600